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IN THE CENTRAL ADMINISTRATIVE CIRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No. 1623/98

Date of Order : 12.4.99

BETWEEN :

N.Purushotham

.. Applicant.

AND

1. The Director General, Telecom,  
(reptg. Union of India),  
New Delhi.
2. The Telecom District Manager,  
Tirupathi.
3. The Superintendent-in-charge,  
C.T.O., Tirupathi.
4. The Jr.Telcom Officer,  
In-charge, Departmental Telegraph  
Office, DTO, Chittoor.

.. Respondents.

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Counsel for the Applicant

.. Mr.C.Suryanarayana

Counsel for the Respondents

.. Mr.J.R.Gopala Rao

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CORAM :

HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)

HON'BLE SHRI B.S. JAI PARAMESHWAR : MEMBER (JUDL.)

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O R D E R

X As per Hon'ble Shri B.S.Jai Parameshwar, Member (J) X

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None for the applicant. Mr.J.R.Gopala Rao, learned  
standing counsel for the respondents.

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2. We are deciding this OA in accordance with Rule 15(1) C.A.T. (Procedure) Rules 1987.

3. The applicant was initially appointed as ED Messenger in Telegraph Section of Palamaneru Head Post Office purely to deliver the telegrams only w.e.f. 3.10.75 and he has been working as such till today. He was transferred to D.T.O. Palamanery w.e.f. 8.2.93. He submits that though telegraph work is abolished in D.T.O. Palamaneru, the E.D. Messenger post was not abolished. But by order dated 2.5.97 the Postmaster General, Kurnool Area abolished the post along with similar other posts at other stations retrospectively w.e.f. the dates on which the concerned ED Messengers were deputed to DTOs/Telecom Centres. However he submits in his case the abolition was w.e.f. 8.2.93. The Officer Incharge of the Telecom Centre submitted reports to the Respondent No.3 at the end of every month informing him about the number of days of work of the applicant during the month and his services were utilised for 6 hours a day on all days. Subsequently he was continuously employed for 6 hours a day and all the 7 days in a week till 31.5.97. Though he was employed for 7 days a week during this period, he was paid wages only <sup>for</sup> 6 days in a week. With effect from 1.6.97 he was employed for 8 hours a day for all the 7 days in a

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week. But, however, he was paid wages for the month of June 1997 he was paid only at the rate of 6 hours a day excluding the 7th day in the week. The applicant submits that he is entitled to difference in wages for the extra 8 hours work on the 7th day every week during the month of July 1997. He submits <sup>he was employed</sup> ~~that~~ during the months of July, August, September and October 1997 and even today he is continuing as part-time messenger and being employed for 8 hours a day on all the 7 days in a week. His grievance is that he has <sup>been</sup> not paid wages since July 1997 till date.

4. Hence he has filed this OA to direct the Telecom District Manager, Tirupathi (2nd respondent) to ensure payment of his wages in full for the months of July to October 1997 including OTA for the extra work the applicant was made to perform, within a week from the date of the order herein together with penal interest of 24% on the wages so withheld along with the wages for November 1997 besides granting exemplary costs

5. The respondents have filed a reply stating that he was permitted to work on deputation basis till the final decision <sup>was</sup> ~~is~~ taken in regard to <sup>his</sup> the absorption in the Postal Wing. Accordingly the applicant was permitted to work on purely on temporary deputation basis w.e.f. 8.2.93. They

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submit that the applicant had worked 8 hours per day during the months of July to October 1997.

6. The applicant while filing his rejoinder has furnished copies of the certificates at pages 30 to 32 wherein the Incharge, Telecom Centre, Palamanery had specifically certified that the applicant had worked every day 8 hours per day during those months.

7. They further submits that the applicant has filed W.P.No.30804/97 before the High Court of A.P. and has obtained an interim order not to repatriate him to the Postal wing provided he has been working as on today in the Telecom Centre as in the DTO.

8. Since the Incharge, Telecom Centre, Palamanery issued certificates to the effect that the applicant had worked 8 hours per day during the months July to October 1997 the respondents shall pay the difference of wages to the applicant in accordance with the rules calculating on the basis of the certificate issued by the Incharge, Palamaneru Sub Office. Mere stating in the counter that those letters of the Incharge are erroneous cannot be taken note of. Incharge is the official available in the field who allots the duties. His certificates cannot be treated as erroneous. Mere saying without <sup>stating</sup> ~~saying~~ any reason in the reply is only to

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<sup>the</sup>  
defeat, relief asked by the applicant in the OA. Hence the contention  
that these certificates are erroneous is rejected.

9. As regards his repatriation to the postal wing the same shall be subject to the decision in the Writ Petition No. 30804/97 filed by the applicant.

10. Hence the following directions are given :-

(a) The respondents shall pay difference in wages to the applicant for the months of July to October 1997 on the basis of the certificates issued by the Incharge, Palamaneru on the ground that he had worked 8 hours per day in all the days during those months. As regards the payment on sunday the same will be decided in accordance with the rule for an employee who works 8 hours a day.

(b) As regards to the repatriation to the postal wing the same shall be subject to the decision in W.P.No. 30804/97 pending before the Hon'ble High Court of A.P.

11. With the above directions, the OA is disposed of.

No costs.

B.S. JAI PARAMESHWAR

Member (Judl.)

124.99

Dated : 12th April, 1999

( Dictated in Open Court )

R.RANGARAJAN  
Member (Admn.)

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COPY TO:-

1. HONH
2. HHRP M(A)
3. HBSJP M(J)
4. B.R. (A)
5. SPARE

1ST AND 2ND COURT

TYPED BY  
COMPARED BY

CHECKED BY  
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH : HYDERABAD.

THE HON'BLE MR. JUSTICE D.H.NASIR :  
VICE - CHAIRMAN

THE HON'BLE MR. H.RAJENDRA PRASAD :  
MEMBER (A).

THE HON'BLE MR.R.RANGARAJAN :  
MEMBER (A).

THE HON'BLE MR.B.S.JAI PARAMESWAR :  
MEMBER (J)

DATED: 12-4-99

ORDER / JUDGEMENT

MA. / R.A. / C.P. NO.

IN

O.A. No. 1623197

ADMITTED AND INTERIM DIRECTIONS  
ISSUED.

ALLOWED.

C.P. CLOSED.

R.A. CLOSED.

DISPOSED OF WITH THE CENTRAL ADMINISTRATIVE TRIBUNAL  
DISMISSED.

DISMISSED AS WITHDRAWN.

ORDERED/REJECTED

NO ORDER AS TO COSTS.



SRR